

CASREF,CLOSED

U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:18-cv-01018-B-BH

Brewer v. United States Department of Justice et al
Assigned to: Judge Jane J. Boyle
Referred to: Magistrate Judge Irma Carrillo Ramirez
Cause: 05:552 Freedom of Information Act

Date Filed: 04/23/2018
Date Terminated: 08/21/2019
Jury Demand: None
Nature of Suit: 895 Other Statutes:
Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Steven Brewer**

represented by **Steven Brewer**
#24281-077
BOP Seagoville FCI
PO Box 9000
Seagoville, TX 75159
PRO SE

V.

Defendant**United States Department of Justice**

represented by **Lisa Robin Hasday-DOJ**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**National Personnel Records Center**

represented by **Lisa Robin Hasday-DOJ**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/23/2018	<u>1</u>	New Case Notes: A filing fee has been paid. Initiating documents received over the counter. No prior sanctions found. (For court use only – links to the <u>national</u> and <u>circuit</u> indexes.) Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Ramirez). Clerk to provide copy to plaintiff if not received electronically. (rekc) Modified text on 4/24/2018 (rekc). (Entered: 04/24/2018)
04/23/2018	<u>2</u>	Notice and Instruction to Pro Se Party. (rekc) (Entered: 04/24/2018)
04/23/2018	<u>3</u>	COMPLAINT against National Personnel Records Center, United States Department of Justice filed by Steven Brewer. (Filing fee \$400; Receipt number DS107717) Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: <u>Attorney Information – Bar Membership</u> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (rekc) (Entered: 04/24/2018)
04/23/2018	<u>5</u>	Summons Issued as to National Personnel Records Center, Kevin Krebs. (axm) Modified filed date on 4/26/2018 (axm). (Entered: 04/26/2018)

04/24/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:1, 2. Tue Apr 24 08:44:45 CDT 2018 (crt) (Entered: 04/24/2018)
04/25/2018	<u>4</u>	ELECTRONIC ORDER: The Court refers screening of this case to Magistrate Judge Ramirez. (Ordered by Judge Jane J. Boyle on 4/25/2018) (chmb) (Entered: 04/25/2018)
04/25/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:4. Wed Apr 25 14:33:53 CDT 2018 (crt) (Entered: 04/25/2018)
04/25/2018		Case Referred to Magistrate Judge Irma Carrillo Ramirez for case screening per 4 Electronic Order. (axm) (Entered: 04/26/2018)
04/26/2018	<u>6</u>	ORDER SPECIFYING FURTHER ACTION TO BE TAKEN BY THE CLERK AND ORDERING SERVICE OF PROCESS: The plaintiff is now responsible for serving each defendant with a summons and a copy of the complaint in this case as provided by Rule 4(c) of the Federal Rules of Civil Procedure. If the defendants are not served within 90 days after the filing of the complaint, the action is subject to dismissal without prejudice. The Clerk of the Court shall send summons forms and a copy of Fed. R. Civ. P. 4 to the plaintiff. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 4/26/2018) (Attachments: # <u>1</u> Fed. R. Civ. P. 4) (aaa) Modified on 4/26/2018 (axm). (Entered: 04/26/2018)
04/26/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:6. Thu Apr 26 12:39:33 CDT 2018 (crt) (Entered: 04/26/2018)
04/26/2018		CASE Returned to District Judge; Magistrate Judge Irma Carrillo Ramirez no longer assigned to case. (aaa) (Entered: 04/26/2018)
04/26/2018	<u>7</u>	Summons Reissued as to National Personnel Records Center; Summons issued to U.S. Attorney, and U.S. Attorney General. (axm) (Entered: 04/26/2018)
04/26/2018	<u>8</u>	Summons issued as to United States Department of Justice, U.S. Attorney, and U.S. Attorney General. (axm) (Entered: 04/26/2018)
04/26/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:6, 7, 8. Thu Apr 26 15:45:43 CDT 2018 (crt) (Entered: 04/26/2018)
04/27/2018	<u>9</u>	ORDER REFERRING CASE to Magistrate Judge Irma Carrillo Ramirez for pretrial management. (Ordered by Judge Jane J. Boyle on 4/27/2018) (epm) (Entered: 04/27/2018)
04/27/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:9. Fri Apr 27 11:40:22 CDT 2018 (crt) (Entered: 04/27/2018)
05/22/2018	<u>10</u>	SUMMONS Returned Executed as to National Personnel Records Center; served on 5/8/2018; United States Department of Justice; served on 5/8/2018. (epm) (Entered: 05/22/2018)
06/06/2018	<u>11</u>	NOTICE of Attorney Appearance by Lisa Robin Hasday-DOJ on behalf of National Personnel Records Center, United States Department of Justice. (Filer confirms contact info in ECF is current.) (Hasday-DOJ, Lisa) (Entered: 06/06/2018)
06/06/2018	<u>12</u>	ANSWER to <u>3</u> Complaint filed by National Personnel Records Center, United States Department of Justice. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: Attorney Information - Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Hasday-DOJ, Lisa) (Entered: 06/06/2018)
06/06/2018	<u>13</u>	MOTION to Substitute Party filed by National Personnel Records Center with Brief/Memorandum in Support. (Hasday-DOJ, Lisa) (Entered: 06/06/2018)
06/06/2018	<u>14</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by National Personnel Records Center, United States Department of Justice. (Hasday-DOJ, Lisa) (Entered: 06/06/2018)
06/08/2018	<u>15</u>	ORDER: Proposed Scheduling Order due by 6/29/2018. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 6/8/2018) (mcrcd) (Entered: 06/08/2018)

06/08/2018	<u>16</u>	ORDER re: <u>13</u> Defendant National Personnel Records Center's Motion to Substitute Defendant and Brief in Support. Respondent may file a response by 6/27/2018. Movant may file a reply by 7/11/2018. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 6/8/2018) (mcrd) (Entered: 06/08/2018)
06/08/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:15,16. Fri Jun 8 10:08:37 CDT 2018 (crt) (Entered: 06/08/2018)
06/18/2018	<u>17</u>	Public correspondence received from Steven Brewer. (zkc) (Entered: 06/18/2018)
06/20/2018	<u>18</u>	RESPONSE filed by Steven Brewer re: <u>13</u> MOTION to Substitute Party. (zkc) (Entered: 06/20/2018)
06/22/2018	<u>19</u>	Proposal for contents of scheduling and discovery order by National Personnel Records Center, United States Department of Justice. (Attachments: # <u>1</u> Order in ICP v. HUD) (Hasday-DOJ, Lisa) (Entered: 06/22/2018)
06/22/2018	<u>20</u>	Scheduling Proposal by Steven Brewer. (sss) (Entered: 06/25/2018)
06/26/2018	<u>21</u>	***Vacated per <u>39</u> Memorandum Opinion and Order*** ORDER: Amended Pleadings due by 10/4/2018. Discovery due by 1/2/2019. Joinder of Parties due by 10/4/2018. Deadline for mediation is on or before 1/16/2019. Motions due by 1/30/2019. Status Report due by 1/23/2019. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 6/26/2018) (mcrd) Modified on 11/20/2018 (mcrd). (Entered: 06/26/2018)
06/26/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:21. Tue Jun 26 13:36:29 CDT 2018 (crt) (Entered: 06/26/2018)
07/10/2018	<u>22</u>	REPLY filed by National Personnel Records Center re: <u>13</u> MOTION to Substitute Party (Hasday-DOJ, Lisa) (Entered: 07/10/2018)
09/20/2018	<u>23</u>	MOTION for Protective Order <i>to Stay Discovery</i> filed by National Personnel Records Center, United States Department of Justice with Brief/Memorandum in Support. (Hasday-DOJ, Lisa) (Entered: 09/20/2018)
09/20/2018	<u>24</u>	Appendix in Support filed by National Personnel Records Center, United States Department of Justice re <u>23</u> MOTION for Protective Order <i>to Stay Discovery</i> (Hasday-DOJ, Lisa) (Entered: 09/20/2018)
09/21/2018	<u>25</u>	ORDER re: <u>23</u> Defendants' Motion for Protective Order to Stay Discovery and Brief in Support. The plaintiff may file a response by 10/11/2018. The defendant may file a reply by 10/25/2018. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 9/21/2018) (mcrd) (Main Document 25 replaced on 9/21/2018) (mcrd). (Entered: 09/21/2018)
09/21/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:25. Fri Sep 21 14:31:24 CDT 2018 (crt) (Entered: 09/21/2018)
09/21/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:25. Fri Sep 21 14:34:28 CDT 2018 (crt) (Entered: 09/21/2018)
10/03/2018	<u>26</u>	MOTION for Leave to File First Amended Civil Complaint filed by Steven Brewer (Attachments: # <u>1</u> First Amended Complaint)(unsigned) (ykp) (Entered: 10/03/2018)
10/05/2018	<u>27</u>	ORDER re: <u>26</u> Plaintiff's Motion for Leave to file Amended Complaint. The respondent may file a response by 10/17/2018. The movant may file a reply by 10/24/2018. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 10/5/2018) (mcrd) (Entered: 10/05/2018)
10/05/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:27. Fri Oct 5 08:47:26 CDT 2018 (crt) (Entered: 10/05/2018)
10/15/2018	<u>28</u>	MOTION for Leave Seeking Extension of Time to Perfect Response filed by Steven Brewer. (aaa) (Entered: 10/16/2018)
10/17/2018	<u>29</u>	ORDER re: <u>28</u> Plaintiff's Motion for Leave Seeking Extension of Time to Perfect Response. The motion is GRANTED, and the plaintiff may file a response by 10/31/2018. The defendant may file a reply by 11/14/2018. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 10/17/2018) (mcrd) (Entered: 10/17/2018)

10/17/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:29. Wed Oct 17 11:48:57 CDT 2018 (crt) (Entered: 10/17/2018)
10/17/2018	<u>30</u>	RESPONSE filed by National Personnel Records Center, United States Department of Justice re: <u>26</u> MOTION for Leave to File First Amended Civil Complaint (Hasday-DOJ, Lisa) (Entered: 10/17/2018)
10/18/2018	<u>31</u>	ORDER granting <u>26</u> Motion for Leave to File. (Unless the document has already been filed, clerk to enter the document as of the date of this order.) (Ordered by Chief Judge Barbara M.G. Lynn on 10/18/2018) (epm) (Entered: 10/18/2018)
10/18/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:31. Thu Oct 18 10:30:31 CDT 2018 (crt) (Entered: 10/18/2018)
10/18/2018	<u>32</u>	AMENDED COMPLAINT against National Personnel Records Center, United States Department of Justice filed by Steven Brewer. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (epm) (Entered: 10/18/2018)
10/19/2018	<u>33</u>	RESPONSE filed by Steven Brewer re: <u>23</u> MOTION for Protective Order <i>to Stay Discovery</i> . (epm) (Entered: 10/19/2018)
10/30/2018	<u>34</u>	Motion for Extension of Time to File Answer <i>to Plaintiff's First Amended Complaint or Otherwise Plead</i> filed by National Personnel Records Center, United States Department of Justice (Hasday-DOJ, Lisa) (Entered: 10/30/2018)
10/30/2018	<u>35</u>	ORDER granting <u>34</u> Defendants' motion for an extension of time to answer Plaintiff's first amended complaint or otherwise plead. Answer due by 11/15/2018. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 10/30/2018) (mcrd) (Entered: 10/31/2018)
10/31/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:35. Wed Oct 31 08:56:27 CDT 2018 (crt) (Entered: 10/31/2018)
11/02/2018	<u>36</u>	Judicial Notice of Facts Pursuant to Rule 201 filed by Steven Brewer. (ndt) (Entered: 11/05/2018)
11/06/2018	<u>37</u>	REPLY filed by National Personnel Records Center, United States Department of Justice re: <u>23</u> MOTION for Protective Order <i>to Stay Discovery</i> (Hasday-DOJ, Lisa) (Entered: 11/06/2018)
11/15/2018	<u>38</u>	ANSWER to <u>32</u> Amended Complaint, filed by National Personnel Records Center, United States Department of Justice. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Hasday-DOJ, Lisa) (Entered: 11/15/2018)
11/20/2018	<u>39</u>	Memorandum Opinion and Order re: <u>23</u> Defendants' Motion for Protective Order to Stay Discovery and Brief in Support. Defendants' motion for protective order is GRANTED, and discovery is stayed until after summary judgment motions have been filed. The scheduling order dated 6/26/2018 is hereby VACATED. Defendants shall file their motions for summary judgment within 30 days of the date of this order. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 11/20/2018) (mcrd) (Entered: 11/20/2018)
11/20/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:39. Tue Nov 20 11:20:16 CST 2018 (crt) (Entered: 11/20/2018)
11/20/2018	<u>40</u>	Sur-reply filed by Steven Brewer re: <u>23</u> MOTION for Protective Order <i>to Stay Discovery</i> . (ndt) (Entered: 11/20/2018)
12/03/2018	<u>41</u>	Findings, Conclusions, and Recommendation re: <u>13</u> Defendant National Personnel Records Center's Motion to Substitute Defendant and Brief in Support. NPRC's motion to dismiss Plaintiff's claims against it with prejudice and to substitute OPM as a defendant should be DENIED. (Ordered by Magistrate Judge Irma Carrillo Ramirez on

		12/3/2018) (mcrd) (Entered: 12/03/2018)
12/03/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:41. Mon Dec 3 08:31:28 CST 2018 (crt) (Entered: 12/03/2018)
12/18/2018	<u>42</u>	Order Accepting <u>41</u> Findings and Recommendations re: <u>13</u> Motion to Substitute Party filed by National Personnel Records Center is DENIED. (Ordered by Judge Jane J. Boyle on 12/18/2018) (ndt) (Entered: 12/19/2018)
12/19/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:42. Wed Dec 19 13:29:33 CST 2018 (crt) (Entered: 12/19/2018)
12/20/2018	<u>43</u>	MOTION for Summary Judgment filed by National Personnel Records Center, United States Department of Justice (Hasday-DOJ, Lisa) (Entered: 12/20/2018)
12/20/2018	<u>44</u>	Brief/Memorandum in Support filed by National Personnel Records Center, United States Department of Justice re <u>43</u> MOTION for Summary Judgment (Hasday-DOJ, Lisa) (Entered: 12/20/2018)
12/20/2018	<u>45</u>	Appendix in Support filed by National Personnel Records Center, United States Department of Justice re <u>44</u> Brief/Memorandum in Support of Motion (Hasday-DOJ, Lisa) (Entered: 12/20/2018)
12/21/2018	<u>46</u>	ORDER re: <u>43</u> Defendants' Motion for Summary Judgment. The plaintiff may file a response by 1/10/2019. The defendants may file a reply by 1/24/2019. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 12/21/2018) (mcrd) (Entered: 12/21/2018)
12/21/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No:46. Fri Dec 21 16:22:48 CST 2018 (crt) (Entered: 12/21/2018)
12/28/2018	<u>47</u>	Order Granting Government's Omnibus Motion for Stay of Cases in Light of Lapse of Appropriations (Ordered by Chief Judge Barbara M.G. Lynn on 12/28/2018) (Attachments: # <u>1</u> Government's Omnibus Motion for Stay) (lrl) (Entered: 12/28/2018)
12/28/2018		***Clerk's Notice of delivery: (see NEF for details) Docket No: <u>47</u> . Fri Dec 28 13:50:13 CST 2018 (crt) Modified on 12/28/2018 (ewd). (Entered: 12/28/2018)
01/28/2019	<u>48</u>	ORDER GRANTING GOVERNMENT'S OMNIBUS MOTION FOR LIFT OF STAY: Unless otherwise directed by the United States District Judge presiding in a particular case, all deadlines that had not expired on or before December 21, 2018 in a case covered by the stay order are extended for 34 days (i.e., the duration of the lapse in appropriations for the Department of Justice). (Ordered by Chief Judge Barbara M.G. Lynn on 1/26/2019) (Attachments: # <u>1</u> Additional Page(s) Omnibus Motion to Lift Stay) (ctf) (Entered: 01/28/2019)
01/28/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:48. Mon Jan 28 11:54:40 CST 2019 (crt) (Entered: 01/28/2019)
02/06/2019	<u>49</u>	CROSS-MOTION for Partial Summary Judgment and Opposition to The Defendants' <u>43</u> Motion for Summary Judgment, filed by Steven Brewer. (zkc) (Entered: 02/06/2019)
02/06/2019	<u>50</u>	Memorandum in Response filed by Steven Brewer to <u>43</u> MOTION for Summary Judgment. (zkc) (Entered: 02/06/2019)
02/06/2019	<u>51</u>	Appendix in Support filed by Steven Brewer of Plaintiff's <u>49</u> Response to <u>43</u> MOTION for Summary Judgment. (zkc) (Entered: 02/06/2019)
02/07/2019	<u>52</u>	ORDER re: <u>49</u> Plaintiff's Combined Cross-Motion for Partial Summary Judgment and Opposition to the Defendants' Motion for Summary Judgment. Respondent may file a response by 2/27/2019. Movant may file a reply by 3/13/2019. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 2/7/2019) (mcrd) (Entered: 02/07/2019)
02/07/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:52. Thu Feb 7 13:39:15 CST 2019 (crt) (Entered: 02/07/2019)
02/27/2019	<u>53</u>	REPLY filed by National Personnel Records Center, United States Department of Justice re: <u>49</u> MOTION for Summary Judgment (Hasday-DOJ, Lisa) (Entered: 02/27/2019)

03/18/2019	<u>54</u>	MOTION for Extension of Time to File Response/Reply to <u>43</u> MOTION for Summary Judgment filed by Steven Brewer. (ndt) (Entered: 03/18/2019)
03/19/2019	<u>55</u>	ORDER re: <u>54</u> Plaintiff's Motion for Leave Seeking Extension of Time to Perfect Response. It appears that he seeks an extension of time to file his reply to the government's response to his cross-motion for summary judgment. (See docs. <u>49</u> , <u>52</u> , <u>53</u> .) The motion is GRANTED, and the plaintiff may file his reply brief no later than 4/2/2019. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 3/19/2019) (mcrd) (Entered: 03/20/2019)
03/20/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:55. Wed Mar 20 08:37:40 CDT 2019 (crt) (Entered: 03/20/2019)
04/02/2019	<u>56</u>	RESPONSE filed by Steven Brewer re: <u>43</u> MOTION for Summary Judgment. (aaa) (Entered: 04/03/2019)
07/30/2019	<u>57</u>	Findings, Conclusions, and Recommendation re: <u>43</u> Defendants' Motion for Summary Judgment; and <u>49</u> Plaintiff's Combined Cross-Motion for Partial Summary Judgment and Opposition to the Defendants' Motion for Summary Judgment. Based on the relevant filings, evidence, and applicable law, the defendants' motion should be GRANTED, and the plaintiff's motion should be DENIED. (Ordered by Magistrate Judge Irma Carrillo Ramirez on 7/30/2019) (mcrd) (Entered: 07/31/2019)
07/31/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:57. Wed Jul 31 08:44:27 CDT 2019 (crt) (Entered: 07/31/2019)
08/21/2019	<u>58</u>	ORDER ACCEPTING <u>57</u> FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE: The Defendants' <u>43</u> Motion for Summary Judgment is GRANTED, and the Plaintiff's <u>49</u> Combined Cross-Motion for Partial Summary Judgment and Opposition to the Defendants' Motion for Summary Judgment is DENIED. (Ordered by Judge Jane J. Boyle on 8/21/2019) (mla) (Entered: 08/21/2019)
08/21/2019	<u>59</u>	FINAL JUDGMENT: All of the plaintiff's claims against the defendants are DISMISSED with prejudice. The taxable costs of court, as calculated by the clerk of court, are assessed against the plaintiff. (Ordered by Judge Jane J. Boyle on 8/21/2019) (mla) (Entered: 08/21/2019)
08/21/2019		***Clerk's Notice of delivery: (see NEF for details) Docket No:58, 59. Wed Aug 21 12:58:15 CDT 2019 (crt) (Entered: 08/21/2019)